

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : By the Examiner: Not yet assigned  
 Brandon L. Hudgeons et al. :  
 Serial No.: 10/516,724 : International Serial No.: PCT/US03/13745  
 :  
 Title: INTERACTIVE MULTI-MEDIA SYSTEM : International Filing Date: May 1, 2003

Attention: Office of PCT Legal Administration  
 Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir or Madam:

**SECOND RENEWED PETITION UNDER 37 CFR 1.137(b)**

In response to the Decision on Renewed Petition (37 CFR 1.137(b)) mailed August 27, 2008 for the above identified application, Applicant submits this Second Renewed Petition for reconsideration.

On July 22, 2008, applicant filed the renewed petition along with a revised declaration. The revised declaration was not acceptable because two of the inventors Julia HEARD and Christopher CAVELLO addresses contained handwritten alterations that were not dated and initialed, causing the reply to be not acceptable.

Applicants submit this Second Renewed Petition under 37 CFR 1.137 to reinstate Serial No. 10/516,724 to active status. Applicant submits a complete, newly executed Declaration executed by each inventor of record. The Declaration is a complete document which resolves the issues.

Applicants have now provided the required reply. Applicants believe the relevant document is now in order and is in compliance with all relevant statutes.

No additional petition fee is required.

Respectfully submitted,

By:

  
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27 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

1590.00002  
Commissioner for Patents  
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DOCKETED  
Date: 9/2/08  
By: [initials]

In re Application of:  
HUDGEONS, Brandon, et al.  
U.S. Application No.: 10/516,724  
Int'l Application No: PCT/US03/13745  
Int'l Filing Date: 01 May 2003  
Priority Date: 01 May 2002  
Atty Docket No.: 1590.00002  
For: INTERACTIVE MULTI-MEDIA  
SYSTEM

DECISION ON RENEWED  
PETITION  
(37 CFR 1.137(b))

This decision is issued in response to applicants' renewed petition for revival under 37 CFR 1.137(b), filed 22 July 2008. Applicants have paid the required petition fee.

**BACKGROUND**

In a decision mailed on 22 May 2008, applicants' petition for revival under 37 CFR 1.137(b) was dismissed for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted the "required reply" in the form of an executed declaration acceptable under 37 CFR 1.497. The decision indicated that the declaration materials filed by applicants on 22 May 2008 were an unacceptable compilation of multiple documents.

On 22 July 2008, applicants filed the renewed petition considered herein, accompanied by a revised declaration.

**DISCUSSION**

The four-page declaration document filed with the renewed petition is a complete document which resolves the compilation defect identified in the previous decision. However, the revised declaration is not acceptable with respect to inventors Julia HEARD and Christopher CAVELLO because the addresses for these inventors contains handwritten alterations that were not dated and initialed (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or

declaration (see MPEP 605.04(a)).<sup>1</sup> Therefore, a newly executed declaration is required here from Ms. HEARD and from Mr. CAVELLO.

Based on the above, the revised declaration filed 22 July 2008 is not acceptable as filed. Applicants have therefore not provided the "required reply," and the final element for a grantable petition for revival remains unsatisfied.

### CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete the "required reply," that is, acceptable declarations executed by inventors Christopher CAVELLO and Julia HEARD.

No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



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<sup>1</sup> It is noted inventor Julia HEARD initialed the altered address; however, the alteration was not dated, as also required.